

REMARKS

In the Official Action mailed on **August 5, 2004**, the Examiner reviewed claims 1-27. The Oath or Declaration is defective. Claims 1, 10, and 19 were objected to because of informalities. Claims 1-27 were rejected under 35 U.S.C. 102(b) as being anticipated by Litzkow et al. (*Checkpoint and Migration of UNIX Processes in the Condor Distributed Processing System*, hereinafter "Litzkow").

Declaration/Oath

The Oath or Declaration is defective.

Applicant respectfully submits herewith a copy of the Combined Declaration and Power of Attorney with the alterations initialed and dated.

Objections to the claims

Claims 1, 10, and 19 were objected to because of informalities.

Applicant has amended independent claims 1, 10, and 19 to correct the informalities noted by the Examiner. No new matter has been added.

Rejections under 35 U.S.C. §102(b)

Claims 1-27 were rejected as being anticipated by Litzkow. Applicant respectfully points out that Litzkow teaches **statically linking** checkpointing code in with the user's code (see Litzkow, page 8, first paragraph). Static linking requires the checkpointing code to be linked using the user's source code, while dynamic linking allows linking the checkpointing code without having or needing the user's source code. Applicant states that dynamic linking has been considered **but has not been implemented** (see also Litzkow, page 8, first paragraph).

In contrast, the present invention **uses dynamic linking** of an interceptor library to intercept function calls in creating a checkpoint (see page 6, lines 4-8 of the instant application). This is beneficial because it allows the interceptor library

to be linked without having the user's source code. Litzkow teaches away from dynamic linking by stating that dynamic linking has been considered but has not been implemented.

Accordingly, Applicant has amended independent claims 1, 10, and 19 to clarify that the present invention uses dynamic linking. These amendments find support on page 6, lines 4-8 of the instant application. Dependent claim 14 has been amended to correct a typographical error. No new data has been added.

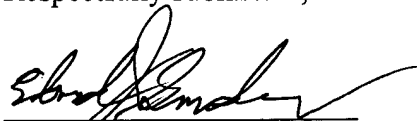
Hence, Applicant respectfully submits that independent claims 1, 10, and 19 as presently amended are in condition for allowance. Applicant also submits that claims 2-9, which depend upon claim 1, claims 11-18, which depend upon claim 10, and claims 20-27, which depend upon claim 19, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By



Edward J. Grundler

Registration No. 47,615

Date: October 15, 2004

Edward J. Grundler
PARK, VAUGHAN & FLEMING LLP
508 Second Street, Suite 201
Davis, CA 95616-4692
Tel: (530) 759-1663
FAX: (530) 759-1665